

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a  
Delaware Corporation; JEHANE  
NOUJAIME, an individual; KARIM AMER,  
an individual; THE OTHERS, LLC, a Florida  
limited liability company; THE OTHERS  
LICENSING CORP., a Florida corporation;  
THE SQUARE, LLC, a New York limited  
liability company; ISABELLA  
CONSTANTINO, an individual; JOHN  
DOES 1–10,

Defendants.

Case No. 24-cv-7879-JPC-RFT

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that Defendants Home Box Office, Inc. (incorrectly sued as “HBO Home Entertainment Corp.”), Jehane Noujaim (incorrectly sued as “Jehane Noujaime”), Karim Amer, The Others Licensing Corp., The Others, LLC, The Square, LLC, and Isabella Constantino (collectively, “Defendants”), upon the accompanying Memorandum of Law, Declaration of Elizabeth Seidlin-Bernstein dated November 26, 2024 and accompanying exhibit, and all prior pleadings and proceedings hereto, by their undersigned attorneys, hereby respectfully move this Court, before the Honorable Robyn F. Tarnofsky, United States Magistrate Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, for an order dismissing the Complaint in this action in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6), and for such other and further relief as the Court may deem just and appropriate.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Order issued November 15, 2024 (ECF No. 49), Plaintiff's opposition is due by January 15, 2025, and Defendants' reply is due fourteen days after Plaintiff files his opposition or by January 31, 2025, whichever is later.

Dated: November 26, 2024

Respectfully submitted,

BALLARD SPAHR LLP

By: /s/ Elizabeth Seidlin-Bernstein

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*Attorneys for Defendants*